

Hingtgen, Robert J

From: Fogg, Mindy
Sent: Friday, May 09, 2014 3:43 PM
To: Donna Tisdale; Hingtgen, Robert J; Gungle, Ashley; Bennett, Jim; Wardlaw, Mark; Jacob, Dianne; Wilson, Adam
Cc: Real, Sami; Jones, Megan; Witt, William
Subject: RE: corrected Soitec Rugged Solar & Rough Acres Water Co

Hi Donna,

I wanted to let you know that we are still doing some additional research on the status of the Rough Acres Ranch water company. We just need to check with one or two more people to verify some of the info we have gathered thus far. I hope to get back to you early next week with the results, but at the very least I will give you another status update on Tuesday.

Thank you,

Mindy Fogg
858-694-3831

From: Fogg, Mindy
Sent: Tuesday, April 29, 2014 3:13 PM
To: 'Donna Tisdale'; Hingtgen, Robert J; Gungle, Ashley; Bennett, Jim; Wardlaw, Mark; Jacob, Dianne; Wilson, Adam
Cc: Real, Sami; Jones, Megan; Witt, William (William.Witt@sdcountry.ca.gov)
Subject: RE: corrected Soitec Rugged Solar & Rough Acres Water Co

Hi Donna,

Thank you for discussing this further with me over the phone today. I would like to clearly state up front that we agree that Rough Acres Water Company, Inc. does not qualify as a Water Service Agency.

The definition of a Water Service Agency is used in the Groundwater Ordinance to determine whether or not the requirements of Section 67.722 of the Groundwater Ordinance are applicable to a project.

Section 67.722 states the following:

Any application listed at Section 67.711 for a project not subject to Section 67.720 or Section 67.721, which proposed the use of groundwater **not provided by a Water Service Agency**, for all or any portion of the project, shall comply with the following regulations:

- A. Residential Density Controls (*Not applicable to this project since it is a MUP*)
- B. Groundwater Investigations (*Applicable to this project*)
- C. Well Tests (*Not applicable to this project since it is a MUP*)

The project proposes to obtain its groundwater from on-site wells that are part of the Rough Acres Water Company. We determined that the Rough Acres Ranch Water Company is not a Water Service Agency as defined within the Groundwater Ordinance. Therefore, for the on-site wells, we required a groundwater investigation that must meet the requirements contained within Section 67.722.B. Groundwater Investigations. The groundwater investigation for the site was completed and a draft was circulated for public review. Please note that this is consistent with how we processed the Tule Wind MUP and how we are processing the Rough Acres Ranch Campground MUP.

In addition, the Rugged Solar project proposes to obtain additional water from the Pine Valley Mutual Water Company and possibly from the Jacumba Community Services District. Both of these sources are Water Service Agencies, and the requirements of the County Groundwater Ordinance do not apply to water obtained from these sources. However, groundwater investigations were completed to evaluate potential impacts to groundwater resources from obtaining water from both these sites pursuant to the California Environmental Quality Act. The groundwater investigations for these sites were completed and the draft documents circulated for public review.

Per our phone conversation today, I will do a little more research on why the grant deed that you cited below recognizes Rough Acres Water Company as a California Mutual Water Company, and what was intended by that. I will get back to you on the status of my research by Thursday of next week (May 8th).

Thanks again,

Mindy Fogg | Planning Manager | Project Planning
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PDS Website <http://www.sdcountry.ca.gov/pds>

From: Donna Tisdale [<mailto:tisdale.donna@gmail.com>]

Sent: Friday, April 18, 2014 11:09 PM

To: Hingtgen, Robert J; Fogg, Mindy; Gungle, Ashley; Bennett, Jim; Wardlaw, Mark; Jacob, Dianne; Wilson, Adam

Subject: corrected Soitec Rugged Solar & Rough Acres Water Co

I am resending my previous message with the correction highlighted in the first sentence

Hello Robert,

For the record, Soitec's Rugged Solar project **does not** appear to comply with the County's Groundwater Ordinance, as amended in 2013, particularly, the section from Page 2 that has been pasted below and highlighted:

- **Water Service Agency:** Any city, mutual or municipal water district, or any other private or public agency which provides water at retail from either: (1) groundwater resources, to two or more users; or (2) imported water resources. **Such water service agency must be in existence prior to the date of submittal of any project relying on service from that agency**

Non-compliance is based on the following:

1. Soitec's Rugged Solar MUP application was filed with the County on or before May 5, 2012, based on the Project Description document revised on May 10, 2012.
2. Rough Acres Water Company, Inc's Articles of Incorporation were not filed with the Office of the Secretary of the State of California until a month later on June 4, 2012
3. The Grant Deed (Doc# 2012-0526783) transferring the rights, titles, and interest of all water system improvements and facilities (...), from Rough Acres Foundation to Rough Acres Water Company, Inc, was not recorded until almost four months later on August 31, 2012

According to Peter Neubauer, DEH, whose department regulates Rough Acres Water Company, Inc, it is a privately owned public water system--not a mutual water company

However, the Grant Deed for the infrastructure transfer misrepresents it as a "California mutual water company" . This may explain the incorrect understanding repeatedly stated by the Pine Valley Mutual Water Company and others.

This is one of many questionable and controversial issues related to Rough Acres Ranch and Soitec's Rugged Solar.

Please confirm receipt of this information.

Regards,

Donna Tisdale
619-766-4170

bcc: interested parties

Attachments:

1. Groundwater Ordinance Amended 2013
2. Certified copy of Rough Acres Water Company's Articles of Incorporation
3. Rough Acres Water Company's grant deed transferring water system infrastructure

